



Insights

Social Security Disability and Veteran's Compensation

● *Understanding Issues Facing Disability Applicants* ●

April 2011

SOCIAL SECURITY – RETAIN LEGAL COUNSEL BEFORE A DENIAL

We find that more applications are being awarded at the initial level if they are properly prepared and pursued. The applications can be filed on-line, and they should be completed with an understanding of what Social Security is looking for in a claim. It's not as simple a process as it looks, and retaining knowledgeable legal counsel is wise. Remember, in some states, such as Alabama, if the initial claim is denied, the next step is a hearing before an administrative law judge - - which can take years to reach because of the backlog in cases. We have found that pursuing a properly prepared and documented application may result in

an early award, rather than a long wait for a hearing.

AGENT ORANGE ISSUES

Ischemic Heart Disease from AO Exposure

The VA continues to add to the list of diseases that are presumed to be caused by AO exposure, and which usually result in an award of benefits. While most of the diseases already on the list tend to be rare, ischemic heart disease (IHD) has been added recently. In applying this presumption, the VA has extended it to other heart diseases that may be related to IHD. For example, coronary artery disease may qualify, including by-pass surgery. So, if a veteran has any kind of heart disease the veteran should seek advice as to whether it might be covered by the

Disability Claim Seminars

We offer presentations for your group or business about problems faced in obtaining VA and Social Security disability benefits. The seminars discuss methods to avoid pitfalls in the application and hearing process, as well as current developments. We also address how private disability insurance may be affected. We allow ample time for questions in case attendees have specific questions that are not covered.

We offer these seminars without charge as a public service by our law offices.

For more information contact:

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IHD presumption.

Diseases Not on AO List?

It took years for ischemic heart disease to be added to the presumptive AO list. We expect other diseases to be added in the future. If a veteran was exposed to AO, and there is question about whether AO caused a disease not on the list, the veteran should still file a claim.

Medical Exams for AO Claims

A veteran is often entitled to a medical exam to help prove the elements of a claim. Sometimes, however, the VA does not offer an exam for an AO claim if the veteran's medical condition is not on the list of conditions presumed to be caused by AO. In such a case, the veteran should request a medical exam if needed to prove the case, as the exam may support the conclusion that AO caused the veteran's medical condition.

PROVING A VA CLAIM

In general, a veteran must prove three issues in a compensation claim:

1. A current medical condition,
2. An event or injury in the service, and
3. A connection between 1 and 2.

The current medical condition may be shown by treatment records. The event or injury in the service may be shown by military service records, medical records, and statements from the veteran and his buddies. The connection between the two usually is provided by a medical opinion.

Please contact us if you would like to have a particular subject discussed in this newsletter. Please visit our website for more information about Social Security Disability and Veterans Compensation at www.fdlawfirm.com.

Thinking about

What is the Difference Between Medicare and Medicaid?

Medicare is provided to disabled workers if they qualify for Social Security Disability Income Benefits (DIB). The worker not only must be disabled, but also must have worked enough

to meet the qualification requirements. Medicare begins two years after DIB payments start. The amount of the premium charged for Medicare depends on the worker's income level, and it is subtracted from the DIB benefits.

Medicaid is provided to disabled workers who qualify for Supplemental Security Income (SSI). The

worker must be disabled, with income and resources below the poverty level. Medicaid starts at the same time as SSI payments. There is no premium charge.

Medicare and Medicaid are different medical insurance programs provided by different statutes. They may not cover the same hospital, physician or prescription charges.